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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 MICHAEL B. FJERSTAD, ) CASE NO. C08-0791-RSM-MAT  
09 Plaintiff, )  
10 v. ) ORDER RE: MOTION FOR  
11 UNITED STATES DRUG ENFORCEMENT ) APPOINTMENT OF COUNSEL  
ADMINISTRATION, et al., )  
12 Defendants. )  
13 \_\_\_\_\_ )

14 Plaintiff Michael B. Fjerstad submitted a motion for appointment of counsel. (Dkt. 9.)  
15 Defendants responded with a clarification that plaintiff erroneously indicates in his motion that an  
16 agency has determined that there is reasonable cause to believe that the allegations in his complaint  
17 are true. (Dkt. 10.) Having reviewed plaintiff's request, defendants' submission, and the  
18 remaining record, the Court finds and ORDERS as follows:

19 (1) Pursuant to 28 U.S.C. § 1915(e)(1), "[t]he Court may request an attorney to  
20 represent any person unable to afford counsel." However, there is no right to appointment of  
21 counsel in a civil case. *See United States v. 30.64 Acres of Land*, 795 F.2d 796, 801 (9th Cir.  
22 1986). Moreover, the Court may appoint counsel only in exceptional circumstances. *Wilborn*

01 v. *Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). A finding of exceptional circumstances  
02 requires an evaluation of both the likelihood of success on the merits and the ability of the  
03 individual to articulate his claims *pro se* in light of the complexity of the legal issues involved. *Id.*  
04 In this case, it cannot be said that plaintiff has demonstrated a likelihood of success on the merits,  
05 or shown that, in light of the complexity of the legal issues involved, he is unable to articulate his  
06 claims *pro se*. Accordingly, plaintiff's motion for appointment of counsel is DENIED.

07 (3) The Clerk shall send a copy of this Order to the parties and to the Honorable  
08 Ricardo S. Martinez.

09 DATED this 4th day of August, 2008.

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12 Mary Alice Theiler  
13 United States Magistrate Judge  
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